



IAP4 Rec PCT/PTO 17 NOV 2005

21460/PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

USA PCT National Stage Patent Application  
PCT/EP2003/009995 filed September 9, 2003  
Peter Heymann  
Serial No.: 10/526,642  
First Submission Filed: March 5, 2005

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CERTIFICATE OF MAILING ON LAST PAGE  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC

371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US),

AND SUBMISSION OF DECLARATION AND SURCHARGE

11/22/2005 HKAYPAGH 00000105 10526642

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65.00 OP


In response to the Office Action (copy enclosed) dated September 12, 2005 respectfully submitted herewith is the signed and dated Declaration of the inventor (2 pages) in compliance with 37 CFR 1.63 (including 1.66 or 1.68) and 37 CFR 1.497(a) and (b), identifying the application by PCT International application no. and international filing date and with power of attorney.

The surcharge fee of \$65.00 (small entity fee) for providing the oath or declaration later than the appropriate 30 months from the earliest priority filing date is enclosed by check no. 16340.

The complete basic National Phase filing fee at the time was paid on March 5, 2005.

The Commissioner is hereby authorized to charge any or additional fees which may be required, or credit any overpayment to deposit account no. 06-0105.


Respectfully submitted,  
Peter Heymann

by:   
MARTIN A. FARBER  
Attorney for Applicant  
Registered Representative  
Registration No. 22,345

CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Response to Notification of Missing Requirements under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US), signed Declaration (2 pages), and check no. 16340 for \$65.00 (small entity fee) are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 14, 2005 (November 12, 2005 being a Saturday).

Dated: November 14, 2005

  
Martin A. Farber

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Suite 473  
New York, NY 10017  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/526,642                  | Peter Heymann         | 214601/PCT/US    |

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/EP03/09995

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 09/09/2003       | 09/09/2002    |

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**DUE NOV. 12, 2005**

CONFIRMATION NO. 3819

371 FORMALITIES LETTER



\*OC000000016983870\*

Date Mailed: 09/12/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/05/2005
- Copy of the International Search Report filed on 03/05/2005
- Copy of IPE Report filed on 03/05/2005
- Request for Immediate Examination filed on 03/05/2005
- U.S. Basic National Fees filed on 03/05/2005
- Priority Documents filed on 03/05/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.* ✓

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/526,642                  | PCT/EP03/09995                | 214601/PCT/US    |